IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.09.2006

CORAM

THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.No.36611/2006 & M.P.No.1/2006

N.Mahadevan ... Petitioner

-vs-

1.The Chief Educational Officer,
Tiruvannamalai.

2.The District Educational Officer,
Tiruvannamalai.

3.The Correspondent,
Sri.V.D.S.Jain Higher Secondary School,
Tiruvannamalai 606 602.

4.Thiru D.Dharmichand,
Correspondent,
Sri.V.D.S.Jain Higher Secondary School,
Tiruvannamalai 606 602. ... Respondents

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the order in Memo No.001/C/2006 dated 1.6.2006 and the consequential order in Memo No.001/C/2006 dated 12.09.2006 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.S.Mani
For Respondents: Mr.P.Gopi Raja, GA

O R D E R

This writ petition is filed for a direction against the proceedings of the 3rd respondent dated 1.6.06 and 12.09.2006.

2. The case of the petitioner is that while he was working in the 3rd respondent school, certain charges were leveled against him to the effect that he was involved in sexual assault against the students in physics laboratory and it was based on the said charges to which the petitioner has already given his explanation, the enquiry was conducted. It is seen that throughout the enquiry, the petitioner has participated and

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ultimately, the enquiry officer's report has been furnished.

3. As it is seen from the enquiry report dated 12.9.2006, which is also impugned in the proceedings, the enquiry officer, viz., the 3rd respondent has found that the petitioner was involved in the said charges which is unbecoming of a teacher. It was in those circumstances, the enquiry officer's report has been submitted, based on which the show cause notice has been issued calling upon the petitioner to give his explanation about the proposed punishment of dismissal from service. It is at this stage, the petitioner has approached this Court.

4. The case of the petitioner is that the enquiry officer's report does not reveal any evidence which has been given against the petitioner either by the parents or by the concerned students. That apart, it is also the case of the petitioner that in the absence of evidence, the petitioner being a teacher is victimized and therefore, it is in violation of principles of natural justice.

4. On the other hand, after going through the enquiry report, I am fully satisfied that it is not as if the petitioner was not given any opportunity at all. As I have stated earlier, the petitioner has submitted his explanation and he has participated in the enquiry in detail and having participated and having found some difficulty in the enquiry, he has chosen to challenge the enquiry report and also the show cause notice.

5. I am of the considered view that not only there is absolutely no substance in the contention of the petitioner and also the writ petition is at premature stage, inasmuch as the impugned order is only a show cause notice under which the petitioner was called upon to give his explanation for the proposed punishment based on the report.

6. Giving opportunity to the petitioner to give his explanation to the show cause notice, this writ petition is dismissed. It is always open to the petitioner to work out his remedy in the event of the final order being passed.

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7. The writ petition is dismissed with the above observation. No costs. Consequently, connected M.P. is also dismissed.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Chief Educational Officer,
Tiruvannamalai.

2.The District Educational Officer,
Tiruvannamalai.

+ one cc to Mr. S. Mani, Advocate sr no. 46103

PV(CO)
NM(06.10.2006)

W.P.No.36611 of 2006

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